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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE APPLICATION

MAIL STOP: AF

OF: ANGEL ET AL.

CONFIRMATION No.: 2188

SERIAL No. 09/767,821

GROUP ART UNIT: 1617

FILED: JANUARY 24, 2001

EXAMINER: LAUREN Q. WELLS

FOR: PROCESS FOR PREPARING WATER-SOLUBLE OR WATER-DISPERSIBLE POLYETHER-CONTAINING POLYMERS AND THE USE THEREOF AS COATING AGENTS, BINDERS AND/OR FILM-FORMING EXCIPIENTS IN PHARMACEUTICAL DOSAGE FORMS OR PACKAGING MATERIALS OR AS ADDITIVES IN COSMETIC, DERMATOLOGICAL OR HYGIENIC PREPARATIONS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Alexandria, Va 22313-1450, on:

February 14, 2005

Date of Deposit

Mary Chadwick

Person Making Deposit

Mary Chadwick

Signature

February 14, 2005

Date of Signature

Honorable Commissioner
for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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SUPPLEMENTAL SUBMISSION

Sir:

Further to applicants' reply dated October 12, 2004, and in light of the Examiner's Advisory action dated November 23, 2004, it is respectfully requested that the following request for reconsideration and the attached Declaration be entered and considered by the Examiner:

REQUEST FOR RECONSIDERATION

Applicants herewith present a further Declaration, duly executed by Dr. Angel who is one of the inventors of the subject matter dis-

closed and claimed in the present application, which supplements the Dr. Angel's Declaration dated September 30, 2004.

In the attached Declaration, Dr. Angel further explains that the polymerizations which are described in GB 922,459 cannot reasonably be regarded as solution polymerizations because the amount of methanol which is employed in accordance with Examples 4 and 5 is too low to provide for a solution of the reactants and the product. In addition to Dr. Angel's explanations in this regard it is also respectfully noted that Example 4 provides that the product obtained in the graft copolymerization stage is, after the graft copolymerization, "diluted with methanol to a solid content of 40%"¹⁾. This statement further corroborates that the 250 parts by weight of methanol which are added during the graft copolymerization stage are insufficient to dissolve the product, and that the described copolymerization cannot be considered as a solution polymerization.

In the attached Declaration, Dr. Angel has also further addressed the technical reasons why a person of ordinary skill in the art would not reasonably consider the homopolymerization of N-vinyl pyrrolidone which is addressed by *Wu et al.* and the graft copolymerization described in GB 922,459 as equivalent, and why a person of ordinary skill in the art would not reasonably consider findings with regard to the homopolymerization of N-vinyl pyrrolidone to be relevant where a graft copolymerization is concerned. In addition to Dr. Angel's explanations in this regard it is also respectfully noted that the viscosity problems which are addressed by *Wu et al.* with regard to the solution homopolymerization of N-vinyl pyrrolidone are due to the fact that it is a prerequisite of a solution polymerization that not only the starting materials but also the polymer product are in solution throughout the polymerization reaction. It is evident from the Examples illustrating the graft copolymerization which is addressed in GB 922,459 that the presence or absence of a solvent during the polymerization, or the amount of solvent which is employed, is of no concern. It is, therefore, clearly not required for the success of the polymerization that the graft copolymer product remains in solution during the course of the polymerization as is the case where the homopolymerization of N-vinyl pyrrolidone addressed by *Wu et al.* is concerned. Moreover, since the graft copolymer precipitates from the polymerization reaction mixture in form of a solid as illustrated in

1) Cf. page 4, indicated lines 19 and 20, of GB 922,459.

the examples of GB 922,459, the viscosity problem which are encountered in the homopolymerization of N-vinyl pyrrolidone as described by Wu et al. are not inherent in the graft copolymerization of GB 922,459.

In light of the foregoing and the attached it is therefore respectfully requested that the Examiner reconsider her reasons for rejecting Claims 1 to 3 and 10 under Section 103(a) as being unpatentable in light of the teaching of GB 922,459 when taken in view of the disclosure of Wu et al. Favorable action is respectfully solicited.

REQUEST FOR EXTENSION OF TIME:

It is respectfully requested that a one month extension of time be granted in this case. The respective \$120.00 fee is paid by credit card (Form PTO-2038 enclosed).

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 14.1437. Please credit any excess fees to such deposit account.

Respectfully submitted,
NOVAK DRUCE DELUCA & QUIGG



Daniel S. Kim
Reg. No. 51,877

1350 Connecticut Ave, N.W.
Washington, D.C. 20036
(202) 659-0100

Encl.: Dr. Angel's Declaration dated February 07, 2005

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